

1 [Counsel identified on signature page]  
2  
3  
4  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 EOLAS TECHNOLOGIES  
12 INCORPORATED,

13 Plaintiff,

14 v.

15 GOOGLE INC.,

16 Defendant.

Case No. 3:17-cv-01138-JST

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER TO STAY  
COURT DEADLINES OTHER THAN  
THOSE SET FORTH IN THE COURT'S  
SEPTEMBER 27, 2017 ORDER**

17 EOLAS TECHNOLOGIES  
18 INCORPORATED,

19 Plaintiff,

20 v.

21 AMAZON.COM, INC.,

22 Defendant.

Case No. 3:17-cv-03022-JST

23 EOLAS TECHNOLOGIES  
24 INCORPORATED,

25 Plaintiff,

26 v.

27 WAL-MART STORES, INC.,

28 Defendant.

Case No. 3:17-cv-03023-JST

1 Pursuant to Civil Local Rule 6-2, and Civil Local Rule 7-12, and the Court's September  
2 26, 2017 Order to Modify Case Deadlines (ECF No. 402), Plaintiff Eolas Technologies  
3 Incorporated ("Eolas") and Defendants Google Inc. ("Google"), Amazon.com, Inc. ("Amazon"),  
4 and Wal-Mart Stores, Inc. ("Walmart") (collectively, "Defendants"), by and through their  
5 respective attorneys, hereby submit the following Joint Stipulation, as follows:

6 WHEREAS, on September 26, 2017, the Court granted the parties' stipulation (ECF No.  
7 402)<sup>1</sup> to extend deadlines to provide the Court time to issue an order regarding how to proceed to  
8 resolve Amazon's pending Motion for Order to Show Cause Regarding McKool Smith's Violation  
9 of Prosecution Bar (the "Prosecution Bar Motion") (ECF No. 262), which stated that the parties  
10 shall meet and confer regarding case deadlines after the Court issues such order;

11 WHEREAS, on September 27, 2017, the Court entered an Order Re Alleged Prosecution  
12 Bar Violation (ECF No. 403) setting forth actions and deadlines over the next several months  
13 related to the Prosecution Bar Motion;

14 WHEREAS, on September 28, 2017, pursuant to the entered stipulation (ECF No. 402),  
15 the parties met and conferred regarding an appropriate revised schedule for case deadlines other  
16 than those set forth in the Court's September 27, 2017 Order (ECF No. 403);

17 WHEREAS, the parties agree that the best course of action at this time is to stay all case  
18 deadlines other than those listed in the Court's September 27, 2017 Order (ECF No. 403), pending  
19 resolution of the Prosecution Bar Motion including any briefing and/or hearing as described in  
20 paragraph 10 of that Order;

21 WHEREAS, the parties further believe that following the resolution of the Prosecution Bar  
22 Motion and subject to the Court's availability, a further Case Management Conference to evaluate  
23 and/or reset all other case deadlines would be appropriate;

24 NOW THEREFORE IT IS HEREBY STIPULATED AND THE PARTIES JOINTLY  
25 REQUEST that the Court stay all case deadlines, other than those listed in the Court's September  
26  
27

28 <sup>1</sup> ECF Nos. are to the docket of Case No. 3:17-cv-03022-JST unless otherwise stated.

1 27, 2017 Order (ECF No. 403), and, after resolution of the Prosecution Bar Motion, set a date for a  
2 further Case Management Conference at the Court's convenience.

3  
4 DATED: September 29, 2017      Respectfully submitted,

5  
6 By /s/ James E. Quigley

Stephanie Adams Ryan, SBN 289548  
MCKOOL SMITH, P.C.  
255 Shoreline Drive, Suite 510  
Redwood Shores, California 94065  
Tel: (650) 394-1400; Fax: (650) 394-1422  
[sadamsryan@mckoolsmith.com](mailto:sadamsryan@mckoolsmith.com)

7  
8  
9  
10 John B. Campbell, TX SBN 24036314 (admitted *Pro Hac*  
*Vice*)  
11 Kevin Burgess, TX SBN 24006927 (admitted *Pro Hac Vice*)  
12 Craig N. Tolliver, TX SBN 24028049 (admitted *Pro Hac*  
*Vice*)  
13 James E. Quigley, TX SBN 24075810 (admitted *Pro Hac*  
*Vice*)  
14 MCKOOL SMITH, P.C.  
300 West 6th Street, Suite 1700  
Austin, Texas 78701  
15 Tel. (512) 692-8700; Fax: (512) 692-8744  
[kburgess@mckoolsmith.com](mailto:kburgess@mckoolsmith.com)  
16 [jcampbell@mckoolsmith.com](mailto:jcampbell@mckoolsmith.com)  
[ctolliver@mckoolsmith.com](mailto:ctolliver@mckoolsmith.com)  
17 [jquigley@mckoolsmith.com](mailto:jquigley@mckoolsmith.com)

18 Attorneys for Plaintiff  
Eolas Technologies Incorporated

19 By /s/ David A. Perlson

20 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
21 Charles K. Verhoeven (CA Bar No. 170151)  
David A. Perlson (CA Bar No. 209502)  
22 Carl G. Anderson (CA Bar No. 239927)  
Michael D. Powell (CA Bar No. 202850)  
23 Lindsay M. Cooper (CA Bar No. 287125)  
Felipe Corredor (CA Bar No. 295692)  
24 [qe-eolas@quinnemanuel.com](mailto:qe-eolas@quinnemanuel.com)  
50 California Street, 22nd Floor  
25 San Francisco, CA 94111  
Telephone: 415-875-6600  
26 Facsimile: 415-875-6700

27 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
Miles Freeman (CA Bar No. 299302)  
28 [qe-eolas@quinnemanuel.com](mailto:qe-eolas@quinnemanuel.com)

1 865 S. Figueroa St., 10th Floor  
2 Los Angeles, CA 90017  
3 Telephone: 213-443-3000  
4 Fax: 213-443-3100

5 *Attorneys for Defendant Google Inc.*

6 By /s/ Richard G. Frenkel

7 DOUGLAS E. LUMISH, Bar No. 183863  
8 doug.lumish@lw.com  
9 RICHARD G. FRENKEL, Bar No. 204133  
10 rick.frenkel@lw.com  
11 JEFFREY G. HOMRIG, Bar No. 215890  
12 jeff.homrig@lw.com  
13 NICHOLAS YU, Bar No. 298768  
14 nicholas.yu@latham.com  
15 LATHAM & WATKINS LLP  
16 140 Scott Drive  
17 Menlo Park, CA 94025  
18 Telephone: (650) 328-4600  
19 Facsimile: (650) 463-2600

20 JOSEPH H. LEE, Bar No. 248046  
21 joseph.lee@lw.com  
22 LATHAM & WATKINS LLP  
23 650 Town Center Drive, 20th Floor  
24 Costa Mesa, CA 92626-1925  
25 Telephone: (714) 540-1235  
26 Facsimile: (714) 755-8290

27 AMIT MAKKER, Bar No. 280747  
28 amit.makker@lw.com  
LATHAM & WATKINS LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111-6538  
Telephone: (415) 395-8034  
Facsimile: (415) 395-8095

MELISSA ARBUS SHERRY (pro hac vice)  
melissa.sherry@lw.com  
ELANA NIGHTINGALE DAWSON (pro hac vice)  
elana.nightingaledawson@lw.com  
LATHAM & WATKINS LLP  
555 Eleventh Street, Suite 1000  
Washington, DC 20004-1304  
Telephone: (202) 637-2200  
Facsimile: (202) 637-2201

JENNIFER H. DOAN (pro hac vice)  
jdoan@haltomdoan.com  
JOSHUA R. THANE (pro hac vice)  
jthane@haltomdoan.com  
J. RANDY ROESER (pro hac vice)  
rroeser@haltomdoan.com  
HALTOM & DOAN

6500 Summerhill Road, Suite 1000  
Texarkana, TX 75503  
Telephone: (903) 255-1000  
Facsimile: (903) 255-0800

GRANT KINSEL, Bar No. 172407  
gkinsel@perkinscoie.com  
PERKINS COIE, LLP  
1203 3rd Street, 39th Floor  
Seattle, WA 98112  
Telephone: (206)-395-316  
Facsimile: (206) 359-9000

Counsel for Defendant  
AMAZON.COM, INC.

By /s/ Bijal V. Vakil

Bijal V. Vakil (SBN 192878)  
Shamita D. Etienne-Cummings (SBN 202090)  
Eric E. Lancaster (SBN 244449)  
Allen W. Wang (SBN 278953)  
WHITE & CASE LLP  
3000 El Camino Real Five Palo Alto Square, 9th Floor  
Palo Alto, CA 94306  
Telephone: (650) 213-0300  
Facsimile: (650) 213-8158  
Email: [bvakil@whitecase.com](mailto:bvakil@whitecase.com)  
Email: [setienne@whitecase.com](mailto:setienne@whitecase.com)  
Email: [eric.lancaster@whitecase.com](mailto:eric.lancaster@whitecase.com)  
Email: [allen.wang@whitecase.com](mailto:allen.wang@whitecase.com)

JOHN R. KEVILLE (admitted Pro Hac Vice)  
ERIC S. SCHLICHTER (admitted Pro Hac Vice)  
ROBERT L. GREEN (admitted Pro Hac Vice)  
WINSTON & STRAWN LLP  
1111 Louisiana Street, 25th Floor  
Houston, TX 77002-5242  
Telephone: (713) 651-2600  
Facsimile: (713) 651-2700  
Email: [jkeville@winston.com](mailto:jkeville@winston.com)  
Email: [eschlichter@winston.com](mailto:eschlichter@winston.com)  
Email: [rlgreen@winston.com](mailto:rlgreen@winston.com)

Attorneys for Defendant Wal-Mart Stores, Inc.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Richard Frenkel am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

DATED: September 29, 2017

/s/ Richard G. Frenkel

Richard G. Frenkel

**~~PROPOSED~~ ORDER**

Plaintiff Eolas Technologies Incorporated and Defendants Amazon.com, Inc. ("Amazon"), Google Inc. ("Google"), and Wal-Mart Stores, Inc. ("Walmart") (collectively, "Defendants") have stipulated to stay all case deadlines, other than those listed in the Court's Order Re Alleged Prosecution Bar Violation (ECF No. 403), pending resolution of the Prosecution Bar Motion.

The parties' joint stipulation is GRANTED. All case deadlines other than those listed in the Court's Order Re Alleged Prosecution Bar Violation (ECF No. 403) are stayed pending resolution of the Prosecution Bar Motion. Once the Prosecution Bar Motion has been resolved, the Court will set a date for a further Case Management Conference.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

DATED: October 2, 2017



Honorable Jon S. Tigar  
United States District Judge